

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,  
BIOPTIX, INC., JOHN O'ROURKE,  
and JEFFREY G. McGONEGAL,

Defendants.

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**Civil No. 3:18-CV-02293 (FLW)(TJB)**

**[PROPOSED] ORDER GRANTING  
RIOT BLOCKCHAIN  
DEFENDANTS' MOTION TO  
DISMISS THE CONSOLIDATED  
CLASS ACTION COMPLAINT  
FOR VIOLATION OF THE  
FEDERAL SECURITIES LAWS**

Defendants Riot Blockchain, Inc., John O'Rourke, Jeffery G. McGongegal, and Michael Beeghley's (collectively, the "Riot Blockchain Defendants") Motion to Dismiss (the "Motion") Lead Plaintiff Dr. Stanley Golovac's ("Lead Plaintiff") Consolidated Class Action Complaint was heard on \_\_\_\_\_, at \_\_\_\_\_, in Room 5E of the above-captioned Court.

Having heard and considered all of the pleadings and records on file, and all papers in support of and in opposition to the Motion, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The Riot Blockchain Defendants' Motion is GRANTED in its entirety.
2. The Riot Blockchain Defendants' Request for Judicial Notice in support of their Motion is GRANTED. The Court takes judicial notice of Exhibits A through H attached to the Request for Judicial Notice.
3. Lead Plaintiff's First Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5 is dismissed with prejudice for failure to state facts sufficient to constitute a cause of action.
4. Lead Plaintiff's Second Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5(a) and (c) is dismissed as to the Riot Blockchain Defendants with prejudice for failure to state facts sufficient to constitute a cause of action.

5. Lead Plaintiff's Third Cause of Action for Violation of Section 20(a) of the Exchange Act is dismissed with prejudice for failure to state facts sufficient to constitute a cause of action.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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Hon. Freda L. Wolfson